

Aaron S. Jacobs (CA No. 214953)
 ajacobs@princelobel.com
 James J. Foster
 jfoster@princelobel.com
 PRINCE LOBEL TYE LLP
 One International Place, Suite 3700
 Boston, MA 02110
 617-456-8000

Attorneys for Plaintiff

MARK D. FOWLER, Bar No. 124235
 mark.fowler@us.dlapiper.com
 CHRISTINE K. CORBETT, Bar No. 209128
 christine.corbett@us.dlapiper.com
 JONATHAN HICKS, Bar No. 274634
 jonathan.hicks@us.dlapiper.com
 DLA PIPER LLP (US)
 2000 University Avenue
 East Palo Alto, CA 94303-2214
 Telephone: 650.833.2000
 Facsimile: 650.833.2001

Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNILOC 2017 LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No.: 3:19-cv-01904-WHO

**JOINT STATUS REPORT AND JOINT
 STIPULATION WITH [PROPOSED]
 ORDER TO STAY CASE PENDING
 APPEALS**

Plaintiff Uniloc 2017 LLC (“Uniloc”) and Apple Inc. (“Apple”) jointly file this status report and stipulation to stay pending appeal of other relevant cases.

Status Report

On November 17, 2018, Uniloc filed the Complaint in the Western District of Texas asserting infringement by Apple of U.S. Patent No. 7,136,999 (“the ’999 patent”). Dkt. No. 1. On April 8, 2019, the case was transferred to this District. Dkt. No. 37. On January 28, 2020, Apple filed an unopposed motion to stay this case pending resolution of instituted IPR2019-01337, brought by Apple. Dkt. Nos. 86, 87. On January 30, 2020, this Court granted Apple’s motion. Uniloc has asserted claims 13 and 17 of the ’999 patent.

On January 15, 2021, the PTAB found claims 1, 2, 4, 5, 7-10, 13-15, and 17 of the ’999 patent unpatentable, but also found that Apple had not demonstrated that claims 3, 6, 11, 12, and 16 are unpatentable. The parties have not yet decided whether they intend to request rehearing,

1 appeal, or let the Final Written Decision stand. Should Uniloc not appeal the Final Written
2 Decision, Apple will promptly request dismissal of this action with prejudice.

3 **Stipulation to Stay**

4 THE PARTIES STIPULATE to stay this action, pending appeal of this District's decision
5 regarding the Uniloc entities' lack of standing in *Uniloc 2017 LLC v. Google LLC* (Case No. 20-
6 4355 and various related cases); this District's decision regarding Uniloc USA, Inc.'s and Uniloc
7 Luxembourg S.A.'s lack of standing in *Uniloc USA, Inc. et al v. Apple Inc.* (Case No. 18-358); and
8 the District of Delaware's decision regarding Uniloc USA, Inc.'s and Uniloc Luxembourg S.A.'s
9 lack of standing in *Uniloc USA, Inc. et al. v. Motorola Mobility LLC* (Case No. 17-1658).

10 Those courts held that a third party had the ability to sublicense the patents in the Uniloc
11 portfolio as of the dates those actions were filed; that that ability deprived the Uniloc plaintiffs of
12 constitutional standing to file the actions; and that the court therefor did not have subject matter
13 jurisdiction. As a result, those courts dismissed the actions, and the Uniloc plaintiffs from those
14 cases have filed appeals as those decisions.

15 Because those decisions appear to create issue preclusion as to various factual and legal
16 issues in this action, and that preclusion may cause this Court to lack subject matter jurisdiction
17 over this action, the parties believe the Court cannot proceed until the Federal Circuit resolves
18 those issues.

19 The parties therefor STIPULATE, with the consent of the Court, to stay this action until
20 the last of such decisions on the above appeals by the United States Court of Appeals for the
21 Federal Circuit.

1 Date: February 2, 2021

Respectfully submitted,

2 /s/ Aaron S. Jacobs

Aaron S. Jacobs (CA No. 214953)

3 ajacobs@princelobel.com

James J. Foster

4 jfoster@princelobel.com

PRINCE LOBEL TYE LLP

5 One International Place, Suite 3700

Boston, MA 02110

6 617-456-8000

7 Attorneys for Plaintiff

8
9 /s/ Christine K. Corbett

10 MARK D. FOWLER, Bar No. 124235

mark.fowler@us.dlapiper.com

11 CHRISTINE K. CORBETT, Bar No. 209128

christine.corbett@us.dlapiper.com

12 JONATHAN HICKS, Bar No. 274634

jonathan.hicks@us.dlapiper.com

13 DLA PIPER LLP (US)

2000 University Avenue

14 East Palo Alto, CA 94303-2214

Telephone: 650.833.2000

15 Facsimile: 650.833.2001

16 Attorneys for Defendant

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18 ATTESTATION OF FILER

19
20 I hereby attest that all other signatories listed, and on whose behalf the filing is submitted,
concur in the filing's content and have authorized the filing.

21 /s/ Aaron S. Jacobs